



ATTORNEY DOCKET NO. 55190-044
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

Josee HAMEL, et al.)

Serial No.: 09/884,465)

Filed: June 20, 2001)

For: STREPTOCOCCUS ANTIGENS)

Group Art Unit: 1645

Examiner: VANESSA L. FORD

#18
JM
1/28/03

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ELECTION UNDER 35 U.S.C. § 121

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Office Communication mailed December 23, 2002, having a shortened statutory period for response set to expire January 23, 2003.

Applicant elects the polypeptide of SEQ ID NO. 332, which corresponds to VP 94 as shown in the Sequence List for prosecution in the subject application.

The Examiner asserts in the Communication that it cannot be ascertained whether the amendment to Table B added new matter to the specification. It is respectfully pointed out that the amendment to Table B merely corrected a typographical error which had resulted in misidentification of two sequences (SEQ ID NOs.) with their corresponding polypeptides. The amendment to table B provides the correct name for SEQ ID NOs. 255 and 256, but does not add new matter since all of the sequences were originally filed with the application. No new sequence information

has been provided. For that matter, polypeptide NEW35A is identified as SEQ ID NO. 256 in Table 13 (p. 78).

Accordingly, the formal grounds of objection are respectfully traversed. It is respectfully submitted that the subject application is in condition for examination on the merits.

Applicants have become aware that the members of the family of chimeras listed in Table H have been misidentified by SEQ ID NO in the table, but that the correct SEQ ID NO. is provided in the Sequence List. Therefore, Applicants will provide an amendment to Table H by separate Preliminary Amendment.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417. A duplicate copy of this Response is enclosed for accounting purposes.

Respectfully submitted,

McDERMOTT, WILL & EMERY

Date:

Jan 23, 2003

By:

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